

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Clark R. Baker § Confirmation No.: 1106
§
Application No.: 10/796,584 § Group Art Unit: 3737
§
Filed: March 8, 2004 § Examiner: Ramirez, John Fernando
§
For: Method and Apparatus for Optical § Atty Docket:
Detection of Mixed Venous and § TYHC:0149/FLE/POW
Arterial Blood Pulsation in Tissue § P0409R

CERTIFICATE OF TRANSMISSION OR MAILING
37 C.F.R. 1.8

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d), or is being transmitted via the Office electronic filing system in accordance with 37 C.F.R. § 1.6(a)(4), or is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

February 19, 2010	/W. Allen Powell/
Date	W. Allen Powell Reg. No. 56,743

Sir:

**INFORMATION DISCLOSURE
STATEMENT PURSUANT TO 37 C.F.R. §§1.97 AND 1.98**

In compliance with the duty of disclosure under 37 C.F.R. §1.56, it is respectfully requested that this Information Disclosure Statement be entered and that the listed references be considered by the Examiner and made of record. Applicants note that, due to recent amendments to 37 C.F.R. §1.98, copies of the listed domestic references are no longer required to be submitted to the Examiner.

In accordance with 37 C.F.R. §1.97, this Information Disclosure Statement is not to be construed as a representation that a search has been made, as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56, or as a representation that no other possibly material information, as defined in 37 C.F.R. §1.56, exists.

Furthermore, the references listed on the attached PTO/SB/08 Form are not to be construed as an admission that these references qualify as prior art as to the above-referenced application or any related application. Rather, these references are being presented for the Examiner's consideration without prejudice to the right to demonstrate that any of these references do not qualify as prior art should the Examiner choose to apply any of these references.

The following information is listed below in accordance with 37 C.F.R. §1.98. Any explanation of non-English language documents contained in this Information Disclosure Statement is believed to constitute a concise explanation of the relevance of the listed reference as it is presently understood by the individual designated in §1.56 most knowledgeable about the content of the listed reference, in accordance with 37 C.F.R. §1.98.

Applicants believe this Information Disclosure Statement is properly filed in accordance with 37 C.F.R. §1.97(c) because prosecution should be re-opened and the Information Disclosure Statement is being filed before a final action, a notice of allowance, or an action that otherwise closes prosecution. The fee set forth in 37 C.F.R. §1.17(p) is submitted herewith. The Commissioner is authorized to charge any additional fee, which may be required, to Deposit Account No. 06-1315; Order No. P0409R (TYHC:0149/FLE).

Respectfully submitted,

Date: February 19, 2010

/W. Allen Powell/
W. Allen Powell
Reg. No. 56,743
(281) 970-4545

CORRESPONDENCE ADDRESS
NELLCOR PURITAN BENNETT LLC
ATTN: IP Legal
6135 Gunbarrel Avenue
Boulder CO 80301